

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 12-11264  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 25, 2013

Lyle W. Cayce  
Clerk

PHILLIP ALAN ADAMS,

Petitioner-Appellant

v.

WILLIAM STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:07-CV-534

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Before JOLLY, SMITH, AND CLEMENT, Circuit Judges.

PER CURIAM:\*

Phillip Alan Adams, Texas prisoner # 907082, is serving a life sentence imposed after a jury convicted him of capital murder. He filed an untimely 28 U.S.C. § 2254 petition in 2007, followed by an unsuccessful motion for relief from judgment under Federal Rule of Civil Procedure 60(b). We denied a certificate of appealability (COA) from each of those decisions.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

## No. 12-11264

In 2012, Adams filed a second Rule 60 motion, arguing that no COA should have been required for his appeal from the denial of the first Rule 60 motion. The district court denied the motion. Adams has appealed to our court without having sought a COA from the district court or our court. Adams denies that a COA is needed.

A COA is required before we may consider this appeal. *See Ochoa Canales v. Quarterman*, 507 F.3d 884, 886-88 (5th Cir. 2007); 28 U.S.C. § 2253(c)(1). Because Adams has not obtained a COA and does not ask for one, his appeal is DISMISSED for lack of jurisdiction. *See* § 2253(c)(1); *Miller El v. Cockrell*, 537 U.S. 322, 335-36 (2003) (holding that the COA requirement of § 2253(c)(1) “is a jurisdictional prerequisite”). We note nonetheless that the claims Adams seeks to raise on appeal are so plainly frivolous that any further effort to obtain a COA would be futile.